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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

March 23, 2023

Via ECF

Hon. Nelson Stephen Román
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: **Castelan v. John, et al., 22-CV-9326 (NSR)**

Dear Judge Roman:

Defendant, Correction Officer Keenan A. John (“Defendant John”), was served with the summons and complaint in the above-referenced matter on March 7, 2023. His response is due on March 27, 2023. Upon information and belief, and on review of the Docket, co-defendants Correction Officer Shawn H. Kerr and Sergeant Berman Joseph have not been served. I write, on behalf of the aforementioned Defendants, to respectfully request that their time to move or answer with respect to the Complaint, be extended to May 27, 2023. This is the Defendants’ first request for an extension.

Defendant John has requested legal representation from this Office, pursuant to New York State Public Officers Law § 17. However, pursuant to that statute, prior to undertaking his representation, this Office must conduct an investigation and review of the facts and circumstances of the case in order to determine whether representation by this Office would be appropriate. additional time is needed so that this Office can obtain the relevant documents and conduct the required factual investigation and representational analysis required by Public Officers Law § 17. Moreover, the additional time is needed to prepare an appropriate response to the Complaint, if representation is undertaken.

Although Defendants Kerr and Joseph have not yet been served, this request is also being submitted on their behalf so as to obviate the need for piecemeal requests for time if and when service is completed.

MEMO ENDORSED

Hon. Nelson Stephen Román
March 23, 2023

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Plaintiff's consent has not been sought because of the difficulty in prompt communication with incarcerated pro se litigants. Thank you for your consideration of the application.

Respectfully submitted,

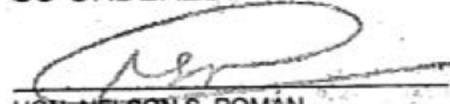
/s/ Joshua M. Mitts
Joshua M. Mitts
Assistant Attorney General

Cc: Christian Castelan (by mail)
19-A-4453
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
Pro Se

Defendants' request to respond to the Complaint on or before May 27, 2023 is GRANTED. The Clerk of the Court is kindly directed to terminate the motion at ECF No. 10.

Dated: March 23, 2023
White Plains, NY

SO ORDERED:



HON. NELSON S. ROMÁN
UNITED STATES DISTRICT JUDGE